

In re: Allen et al.
Serial No.: 10/706,641
Filed: November 12, 2003
Page 13 of 14

REMARKS

Applicants appreciate the Ex Parte Quayle Action (hereinafter "Action") of October 6, 2005. In particular, Applicants appreciate the Examiner's indication that the application is in condition for allowance except for formal matters. *See* Action, page 2.

The Objections to the Specification

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. *See* Action, page 2. In particular, the Action states that there is insufficient antecedent basis for the recitation "the exposed surfaces of the mesa" found in Claim 136. *See* Action, page 2. Applicants submit that support for this recitation may be found in the specification at, for example, page 20, line 32-page 21, line 2 and in Figure 6B. As discussed in the specification:

As seen in FIG. 6B, an n-type epitaxial layer 14 is formed on the p-type epitaxial layer 13 as described above with reference to FIGs. 1 through 3. As is also shown in FIG. 6B, the substrate and epitaxial layers are etched to form an isolation mesa and an ONO passivation layer 60 is formed on the mesa, including the n-type epitaxial layer 14. Preferably, the ONO passivation layer 60 is formed as described above with reference to FIG. 4.

See Specification at page 20, line 32-page 21, line 2 (emphasis added). Accordingly, Applicants submit that there is sufficient antecedent basis for this recitation in the specification for at least these reasons. Furthermore, Applicants have amended Claim 136 as set out above to recite "exposed surfaces of the mesa" instead of "the exposed surfaces of the mesa. Accordingly, Applicants respectfully request that the objections with respect to Claim 136 be withdrawn.

Applicants have also amended Claim 134 to correct a typographical error therein.

Furthermore, the status of Claims 149 and 169 have been changed from "withdrawn" to "original." Applicants respectfully submit that these claims are allowable at least by virtue of their dependence from allowed independent claims.

In re: Allen et al.
Serial No.: 10/706,641
Filed: November 12, 2003
Page 14 of 14

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance, which is respectfully requested in due course. Applicants encourage the Examiner to contact the undersigned by telephone to address any remaining issues.

Respectfully submitted,




Elizabeth A. Stanek
Registration No.: 48,568

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on December 5, 2005 via facsimile number 571-273-8300.


Rosa Lee Brinson